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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

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In re:

Case No.: 24-10157-1-REL

KRIS DANIEL ROGLIERI,

Chapter 7

Debtor.

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**MOTION TO ABANDON INTEREST OF CHAPTER 7 BANKRUPTCY ESTATE IN  
AND TO CERTAIN PERSONAL PROPERTY ASSETS  
AND GRANTING RELATED RELIEF**

TO THE HONORABLE ROBERT E. LITTLEFIELD JR.,  
UNITED STATES CHIEF BANKRUPTCY JUDGE:

Marianne T. O'Toole, solely in her capacity as the successor Chapter 7 Trustee ("Successor Trustee") of the estate of Kris Daniel Roglieri ("Debtor"), by her undersigned counsel, seeks entry of an Order: (i) authorizing the abandonment of the right, title and interest of the Chapter 7 bankruptcy estate in and to certain personal property assets pursuant to 11 U.S.C. §§ 105(a) and 554(a) ("Bankruptcy Code"), and Rule 6007 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"); and (ii) granting such other, further and different relief as this Court deems just and proper. In support of this Motion, the Successor Trustee respectfully represents as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction to hear and determine this Motion under 28 U.S.C. §§ 157 and 1334. Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409. This is a "core" proceeding pursuant to 28 U.S.C. § 157(b).

2. The statutory predicates for the relief requested herein include sections 105(a) and 554(a) of the Bankruptcy Code, and Bankruptcy Rule 6007.

### **BACKGROUND**

3. On February 15, 2024, a voluntary petition pursuant Chapter 11, Subchapter V of the Bankruptcy Code was filed on the Debtor's behalf in the United States Bankruptcy Court for the Northern District of New York ("Court"). See ECF No. 1.

4. By Order entered on May 15, 2024, the Court converted the Debtor's case to a case under Chapter 7 of the Bankruptcy Code. See ECF No. 159.

5. On May 15, 2024, Christian H. Dribusch was appointed as Chapter 7 Trustee of the Debtor's estate ("Prior Trustee"). See ECF No. 160.

6. By motion dated August 12, 2024, ("Sale Motion"), the Prior Trustee sought entry of an Order authorizing the sale of bankruptcy estate property. See generally ECF No. 242.

7. The Prior Trustee supplemented the Sale Motion several times, including on September 11, 2024 with respect to, inter alia, certain artwork and sculptures. See ECF No. 258.

8. Pursuant to a Third Interim Order entered on February 21, 2025 ("Sale Order"), the Court authorized the sale of the artwork and sculptures through the Saratoga Automobile Museum and, inter alia, an in-person auction sale on June 6, 2025 ("Auction Sale"). See ECF No. 357.

9. In or around May 23, 2025, the Prior Trustee resigned.

10. On May 27, 2025, Marianne T. O'Toole was appointed as successor interim trustee of the Debtor's estate pursuant to section 703(a) of the Bankruptcy Code. See ECF No. 491.

11. On June 6, 2025, in accordance with the Sale Order, the Auction Sale of, inter alia, the artwork and sculptures was conducted by the Saratoga Automobile Museum. On June 27, 2025, a corresponding Report of Sale was filed with the Court. See ECF No. 509 ("Report of Sale").

12. As reflected in the Report of Sale, the following sixteen lots (collectively, “Unsold Items”) were not sold at the Auction Sale:

- a. Lot 111 – In the Manner of Marcantonio Bassetti (Italian, 1586 – 1630) The Flagellation of Christ;
- b. Lot 123 – An Italian Style Wine Bottle Print “Vino Villa Toscano Tuscany” 21st Century;
- c. Lot 130 – Attributed to John MacVicar Andersen Warwick Castle;
- d. Lot 138 – Italian School, Callisto and Jupiter;
- e. Lot 144 – Attributed to Lodewijk de Vadder Flemish Landscape with Windswept;
- f. Lot 155 – Italian School, The Martyrdom of St Stephen;
- g. Lot 156 – Bill Furlong (American, 21st Century) The Pianist;
- h. Lot 160 – Monumental Pair Gilt Bronze and Malachite Veneered Nine Light Torcheres;
- i. Lot 166 – An Empire Revival Sèvres Style Porcelain Vase Early-Mid 20th Century;
- j. Lot 168 – A Large Louis XVI Style Gilt Metal Mounted Particia Green Marble Pedestal Circa 1990;
- k. Lot 171 – Art Pedestal;
- l. Lot 172 – Xavier Raphael Napoleon Bonaparte on Horseback;
- m. Lot 176 – Louis XV Style Giltwood Marble Top Console Table;
- n. Lot 178 – A Louis XIV Style Carved Giltwood Marble Top Center Table Late 19th/Early 20th Century;
- o. Lot 192 – A Large Louis XVI Style Breche Violette Marble Pedestal Late 19th Century; and
- p. Lot 208 – A Pair of Louis XV Style Gilt Bronze and Rouge Griotte Marble Four Branch Candelabra.

See ECF No. 509.

13. By letter to the Successor Trustee dated July 8, 2025, the Debtor, through Linda Oliver, requested the abandonment and return of the Unsold Items to the Debtor at their expense.

**RELIEF REQUESTED AND BASIS FOR RELIEF**

14. By this Motion, the Successor Trustee seeks entry of an Order, substantially in the form annexed as **Exhibit A**, authorizing the abandonment of the Unsold Items and granting related relief.

15. Section 554(a) of the Bankruptcy Court provides that, “[a]fter notice and a hearing, the trustee may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate.” 11 U.S.C. § 554(c). Bankruptcy Rule 6007(a) provides, in relevant part, that “the trustee . . . must give notice of a proposed abandonment” and “[a] party in interest may file and serve an objection within 14 days after the notice is mailed or within the time set by the court.” FED. R. BANKR. P. 6007(a).

16. The Court authorized the sale of the Unsold Items in February 2025 and, as reflected in the Report of Sale, the Saratoga Automobile Museum advertised the Auction Sale. Notwithstanding the foregoing, the Unsold Items did not sell at the Auction Sale. The Successor Trustee has determined, in her business judgment, that the continued retention of the Unsold Items is not in the best interests of the Chapter 7 bankruptcy estate and its creditors, and is burdensome to the Chapter 7 bankruptcy estate. Accordingly, the Successor Trustee seeks to abandon the right, title and interest of the Chapter 7 bankruptcy estate in the Unsold Items.

17. The Successor Trustee proposes that the Unsold Items be abandoned to Kris Daniel Roglieri, individually, and that Mr. Roglieri be provided thirty days from the entry of an Order authorizing the abandonment of the Unsold Items to remove such Unsold Items from the Saratoga Automobile Museum. The Successor Trustee further proposes that the Chapter 7 bankruptcy estate shall not bear any costs associated with the Unsold Items and/or the removal of the Unsold Items.

**NOTICE AND NO PRIOR REQUEST**

18. Pursuant to Bankruptcy Rule 6007, notice of this Motion will be provided to: (a) the Debtor; (b) the United States Trustee; (c) any party requesting notice pursuant to Bankruptcy Rule 2002; and (d) all known creditors of the Debtor. The Successor Trustee submits that such notice is sufficient, and no other or further notice need be provided.

19. No prior application for the relief sought herein has been made by the Successor Trustee to this or any other court.

**WHEREFORE**, the Successor Trustee respectfully requests that the Court enter an Order: (i) authorizing the Successor Trustee to abandon the estate's right, title and interest in and to the Unsold Items to Kris Daniel Roglieri, individually; and (ii) granting such other, further and different relief as this Court deems just and proper.

Dated: July 22, 2025

Wantagh, New York

**LaMONICA HERBST & MANISCALCO, LLP**

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